

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

Mpower, Inc.,)
Plaintiff)

vs.) Case No. CIV-20-1183-SLP

PHILADELPHIA INDEMNITY INS. CO.,)
Defendant)

JUNE, 2022 **TRIAL DOCKET**

SECOND AMENDED SCHEDULING ORDER

In accordance with the Order entered contemporaneously herewith, the following deadlines are extended by the Court.

Jury Trial Demanded X

Non-Jury Trial _____

THE FOLLOWING DEADLINES ARE SET BY THE COURT

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| <p>1. Motions to join additional parties to be filed
EXPIRED.</p> <p>2. Motions to amend pleadings to be filed
EXPIRED.</p> <p>3. (a) Plaintiff to file a final list of expert witness(es) in chief and submit expert reports to defendant by <u>3-1-22</u>.*</p> <p>(b) Defendant to file a final list of expert witness(es) in chief and submit expert reports to plaintiff by <u>14 days thereafter</u>.*</p> <p>4. (a) Plaintiff to file a final list of witnesses, together with addresses and brief summary of expected testimony where a witness has not already been deposed by <u>3-1-22</u>.*</p> <p>(b) Defendant to file a final list of witnesses (as described above) 14 days thereafter.*</p> <p>5. (a) Plaintiff to file a final exhibit list by: <u>3-21-22</u>.* Defendant to file objections to Plaintiff's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), b <u>14 days thereafter</u>.</p> <p>(b) Defendant to file a final exhibit list by <u>3-28-22</u>.* Plaintiff to file objections to Defendant's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), by <u>14 days thereafter</u>.</p> | <p>cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.</p> <p>6. Discovery to be completed by <u>5-2-22</u>.</p> <p>7. All dispositive and <i>Daubert</i> motions to be filed by <u>4-1-22</u>.</p> <p>If the deadline for dispositive motions and <i>Daubert</i> motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.</p> <p>8. Trial docket JUNE, 2022**</p> <p>**Trial dockets generally begin the second TUESDAY of each month; however, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.</p> <p>The interval between the dispositive motion deadline (§ 7) and the trial docket (§ 8) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.</p> <p>9. Designations of deposition testimony to be used at trial to be filed by <u>5-2-22</u>. Objections and counter-designations to be filed by <u>5-9-22</u>. ****Parties objecting to use of deposition testimony must submit with their objections, the relevant portions of the deposition transcript with specific testimony highlighted.*****</p> |
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***The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good**

10. Motions in limine to be filed by 5-2-22.
******Unless leave of Court to file separate motions in limine is granted, all motions in limine shall be consolidated into a single filing, which shall be subject to the page limitation in LCvR 7.1(d).******
11. Requested voir dire to be filed by 5-2-22.
12. Trial briefs (optional unless otherwise ordered) to be filed by 5-2-22.
13. Requested jury instructions to be filed on or before 5-2-22.***
14. NON-JURY CASES ONLY: Proposed findings and conclusions of law to be filed no later than _____.***
*****In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in Word format to the Clerk via the Court's designated mail box: palk-orders@okwd.uscourts.gov**
15. Any objection or responses to the trial submissions referenced in 10, 11, 12, 13, or 14 to be filed within seven (7) days thereafter. Replies, if warranted, to be filed within three (3) days.
16. Proposed final pretrial report, approved by all counsel, **and in full compliance** with Local Rules (see Appendix IV), together with a proposed order approving the report, to be submitted to the Court by 5-2-22.
17. This case is referred to the following Court-sponsored ADR/settlement process or special trial track:

____ by agreement of the parties, with the approval of the Court:
____ by Order of the Court:

____ Mediation
____ Judicial Settlement Conference
____ Other _____
- If the case is referred to mediation or some other form of private ADR, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, not later than _____.
18. _____ The parties consent to trial by a Magistrate Judge.
19. Initial disclosure pursuant to Fed. R. Civ. P. 26 has been made _____; is excused _____; or shall be made no later than _____.
20. Other:

BY ORDER OF THE COURT
CARMELITA REEDER SHINN, CLERK

By /s/ Marcia J. Davis
Deputy